

Serial No. 10/657,524

Amdt. in Response to Office Action mailed Dec. 24, 2008

UTILITY PATENT

B&D No. TN3481

REMARKS

Applicant has amended Claim 1.

Currently pending in the application are Claims 1-9 and 17-18.

The Examiner objected to Claim 18 because of an inaccurate status identifier. In response, Applicant has corrected the status identifier in the present amendment.

The Examiner rejected Claims 1, 6-9 and 17-18 under 35 USC § 112, second paragraph, as being indefinite. In particular, the Examiner has objected to the use of the parenthetical clauses. In response, Applicant has deleted the parenthetical clauses.

The Examiner rejected Claims 1, 6-9 and 18 under 35 USC 102(b) as anticipated by EP 0 752 300 ("EP '300"). In addition, the Examiner rejected Claim 17 under 35 USC § 103(a) as being unpatentable over EP '300. Reconsideration and withdrawal of these rejections are respectfully requested.

EP '300 discloses a base for supporting a workpiece, a saw assembly connected to the base, and a fence assembly attached to the base and disposed to one side of the blade, the fence assembly comprising a fixed fence fixedly attached to the base and disposed on the one side of the blade, the fixed fence having a front portion, a rear portion with a substantially horizontal support surface and a channel between the front and rear portions, and a movable fence slidably connected to and removably connected to the fixed fence and disposed on the one side of the blade, the movable fence being linearly movable horizontally relative to the fixed fence along the channel, the movable fence defining a first support plane, at least one of the fixed fence and the movable fence for contacting the workpiece. However, EP '300 does not disclose an auxiliary

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fence disposed behind the substantially horizontal support surface of the fixed fence. Instead, it discloses an "auxiliary" fence 80 disposed in front of the rear portion 74 of EP '300's fixed fence.

By contradistinction, Claim 1 calls for "an auxiliary fence disposed ... behind the substantially horizontal support surface of the fixed fence." Such arrangement allows a user to place a workpiece against the auxiliary fence when the movable fence is removed, increasing the effective cutting capacity. Because EP '300 does not disclose such auxiliary fence, it cannot anticipate or render unpatentable Claim 1 and its dependent claims.

Furthermore, "auxiliary" fence 80 lies along a plane, which extends beyond the limits of "auxiliary" fence 80. When movable fence 60 is removed, a portion 32 of the fence assembly remains in front of such plane.

By contradistinction, Claim 1 calls for "an auxiliary fence... having a substantially vertical support surface ... being along a second support plane substantially parallel to the first support plane, so that when the movable fence is removed, no portion of the fence assembly is above the fixed fence and in front of the second support plane, allowing the auxiliary fence to contact the workpiece." Because EP '300 teaches the opposite of the claimed arrangement, it cannot anticipate or render unpatentable Claim 1 and its dependent claims.

In view of the foregoing, Claims 1-9 and 17-18 are patentable and the application is believed to be in condition for formal allowance.

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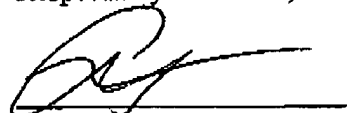
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No fee is believed due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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